

SEPTEMBER 7, 2016

RULES COMMITTEE PRINT 114-63
TEXT OF H.R. 5226, REGULATORY INTEGRITY
ACT OF 2016

**[Showing the text of the bill as ordered reported by the
Committee on Oversight and Government Reform.]**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Regulatory Integrity
3 Act of 2016”.

4 **SEC. 2. PUBLICATION OF INFORMATION RELATING TO**
5 **PENDING REGULATORY ACTIONS.**

6 (a) **AMENDMENT.**—Chapter 3 of title 5, United
7 States Code, is amended by inserting after section 306 the
8 following new section:

9 **“§ 307. Information regarding pending agency regu-**
10 **latory action**

11 “(a) **DEFINITIONS.**—In this section:

12 “(1) **AGENCY REGULATORY ACTION.**—The term
13 ‘agency regulatory action’ means guidance, policy
14 statement, directive, rule making, or adjudication
15 issued by an Executive agency.

16 “(2) **AGGRANDIZEMENT.**—The term ‘aggran-
17 dizement’ means—

1 “(A) any communication emphasizing the
2 importance of the Executive agency or agency
3 regulatory action that does not have the clear
4 purpose of informing the public of the sub-
5 stance or status of the Executive agency or
6 agency regulatory action; or

7 “(B) any communication that is puffery.

8 “(3) PUBLIC COMMUNICATION.—The term
9 ‘public communication’—

10 “(A) means any method (including written,
11 oral, or electronic) of disseminating information
12 to the public, including an agency statement
13 (written or verbal), blog, video, audio recording,
14 or other social media message; and

15 “(B) does not include a notice published in
16 the Federal Register pursuant to section 553 or
17 any requirement to publish pursuant to this
18 section.

19 “(4) RULE MAKING.—The term ‘rule making’
20 has the meaning given that term under section 551.

21 “(b) INFORMATION TO BE POSTED ONLINE.—

22 “(1) REQUIREMENT.—The head of each Execu-
23 tive agency shall make publicly available in a search-
24 able format in a prominent location either on the
25 website of the Executive agency or in the rule mak-

1 ing docket on Regulations.gov the following informa-
2 tion:

3 “(A) PENDING AGENCY REGULATORY AC-
4 TION.—A list of each pending agency regulatory
5 action and with regard to each such action—

6 “(i) the date on which the Executive
7 agency first began to develop or consider
8 the agency regulatory action;

9 “(ii) the status of the agency regu-
10 latory action;

11 “(iii) an estimate of the date of upon
12 which the agency regulatory action will be
13 final and in effect; and

14 “(iv) a brief description of the agency
15 regulatory action.

16 “(B) PUBLIC COMMUNICATION.—For each
17 pending agency regulatory action, a list of each
18 public communication about the pending agency
19 regulatory action issued by the Executive agen-
20 cy and with regard to each such communica-
21 tion—

22 “(i) the date of the communication;

23 “(ii) the intended audience of the
24 communication;

1 “(iii) the method of communication;
2 and
3 “(iv) a copy of the original commu-
4 nication.

5 “(2) PERIOD.—The head of each Executive
6 agency shall publish the information required under
7 paragraph (1)(A) not later than 24 hours after a
8 public communication relating to a pending agency
9 regulatory action is issued and shall maintain the
10 public availability of such information not less than
11 5 years after the date on which the pending agency
12 regulatory action is finalized.

13 “(c) REQUIREMENTS FOR PUBLIC COMMUNICA-
14 TIONS.—Any public communication issued by an Execu-
15 tive agency that refers to a pending agency regulatory ac-
16 tion—

17 “(1) shall specify whether the Executive agency
18 is considering alternatives, including alternatives
19 that may conflict with the intent, objective, or meth-
20 odology of such agency regulatory action;

21 “(2) shall specify whether the Executive agency
22 is accepting or will be accepting comments;

23 “(3) shall expressly disclose that the Executive
24 agency is the source of the information to the in-
25 tended recipients; and

1 “(4) may not—

2 “(A) solicit support for or promote the
3 pending agency regulatory action; or

4 “(B) include statements of aggrandizement
5 for the Executive agency, any Federal em-
6 ployee, or the pending agency regulatory action.

7 “(d) REPORTING.—

8 “(1) IN GENERAL.—Not later than January 15
9 of each year, the head of an Executive agency that
10 communicated about a pending agency regulatory
11 action during the previous fiscal year shall submit to
12 each committee of Congress with jurisdiction over
13 the activities of the Executive agency a report indi-
14 cating—

15 “(A) the number pending agency regu-
16 latory actions the Executive agency issued pub-
17 lic communications about during that fiscal
18 year;

19 “(B) the average number of public commu-
20 nications issued by the Executive agency for
21 each pending agency regulatory action during
22 that fiscal year;

23 “(C) the 5 pending agency regulatory ac-
24 tions with the highest number of public commu-

1 communications issued by the Executive agency in that
2 fiscal year; and

3 “(D) a copy of each public communication
4 for the pending agency regulatory actions identified in subparagraph (C).
5

6 “(2) AVAILABILITY OF REPORTS.—The head of
7 an Executive agency that is required to submit a report under paragraph (1) shall make the report publicly available in a searchable format in a prominent
8 location on the website of the Executive agency.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of sections for chapter 3 of title 5, United States
13 Code, is amended by adding after the item relating to section 306 the following new item:
14

“307. Information regarding pending agency regulatory action.”.

